

Phillip G. Vermont, SBN 132035
RANDICK O'DEA TOOLIATOS
VERMONT & SARGENT, LLP
5000 Hopyard Road, Suite 225
Pleasanton, California 94588
Telephone: (925) 460-3700
Facsimile: (925) 460-0969
pvermont@randicklaw.com

Attorneys for Creditor,
FREMONT TECH CENTER ASSOCIATION, INC.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

In re:

Sherry Virginia Seitzinger,

Debtor in possession.

Case No.: 20-51623 SLJ 11

Chapter 11

**CREDITOR, FREMONT TECH CENTER
ASSOCIATION INC.'S CONDITIONAL
OPPOSITION TO DEBTOR IN
POSSESSION'S MOTION FOR AN ORDER:**

- 1. AUTHORIZING SALE OF THE
PROPERTY LOCATED AT 2722
BAYVIEW DRIVE, FREMONT,
CALIFORNIA;**
- 2. ORDERING THAT THE SALE BE
FREE AND CLEAR OF ANY
CLAIMS AND INTEREST;**
- 3. AUTHORIZING THE PAYMENT OF
BROKERS COMMISSION, TAXES
AND CLOSING COSTS [11 U.S.C.
§363(b), (f)]**

**CONDITIONAL OPPOSITION TO DEBTOR'S MOTION
AUTHORIZING SALE OF REAL PROPERTY**

A. SUMMARY OF OPPOSITION

Fremont Tech Center Association ("Fremont"), the Owner's Association where the

1 subject real property is located, conditionally opposes the debtor's Motion Authorizing the Sale
2 of Real Property on the grounds that the amount of the claim stated for Fremont in the brief is
3 inaccurate.

4 Fremont directs the court to its Joinder filed February 9, 2021, as Document No. 70 in
5 this action, and Exhibit A to the Joinder, reflecting the history of defaults by Ms. Seitzinger and
6 attaching the various ledgers showing the dues and utilities owed by Ms. Seitzinger. The dues
7 continue to accrue, so that the amount of the claim continues to increase, as Ms. Seitzinger
8 continues to not pay the Association dues.

9 The Document No. 70 also attaches the Judgment and various Orders granted in the
10 Alameda County Superior Court, case No. HG15791641, wherein Ms. Seitzinger is ordered to
11 pay the past dues.

12 **B. THE AMOUNT OF THE CLAIM IS \$197,389.33**

13 Based on the recorded Notice of Lien, the Judgment, the CC&R's, the Court Order for
14 Attorney Fees, and the interest due on the various judgments and orders, the actual claim of
15 Fremont is as follows:

16	1) Association Dues	\$121,511.29
17	2) Interest at 10% per annum starting	
	January 21, 2020 on Judgment of \$69,377.41	
18	(or \$19.00 per day for 454 days).....	\$ 8,626.00
19	3) Attorney Fees awarded (May 26, 2020)	\$ 55,000.00
20	4) Interest at 10% per annum	
	(\$15.06 per day for 328 days).....	\$ 4,939.68
21	5) Attorney Fees incurred from May 26, 2020	
	to current date (April 19, 2021)	\$ 7,312.36
22	Total	\$197,389.33

23 ///
24 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

C. CONCLUSION

While Fremont accepts the sale of the property at 2722 Bayview Drive, Fremont, CA, Fremont requests that the Court order Ms. Seitzinger and her son, Daniel Seitzinger, to vacate the premises as part of that sale, and that the lien to satisfy the judgment, court orders and unpaid dues in the amount of \$197,389.33 be granted in favor of Fremont.

Date: April 21, 2021

RANDICK O’DEA TOOLIATOS
VERMONT & SARGENT, LLP

/s/ Phillip G. Vermont
By: _____
Phillip G. Vermont
Attorneys for Creditor,
FREMONT TECH CENTER
ASSOCIATION, INC.

1 **CERTIFICATE OF SERVICE**

2 I, Sue Betti, submitted the attached document through Electronic Case Filing (ECF) on
3 April 21, 2021. By filing electronically, it was served by the Court on all parties registered with
4 ECF in this case.

5 In addition, on April 21, 2021 (By U.S. Mail), I caused each such envelope to be served
6 by depositing same, with postage thereon fully prepaid, to be placed in the United States Postal
7 Service in the ordinary course of business at Pleasanton, California to:

8 E. Vincent Wood, Esq.
9 Debtor's attorney
10 Law Offices of E. Vincent Wood
11 1501 N. Broadway #261
12 Walnut Creek, CA 94596

13 U.S. Trustee
14 Office of the U.S. Trustee / SJ
15 U.S. Federal Bldg.
16 280 S 1st St. #268
17 San Jose, CA 95113-3004

18 I declare under penalty of perjury that the foregoing is true and correct. Executed on
19 April 21, 2021, at Pleasanton, CA.

20 */s/ Sue Betti*

21 _____
22 Sue Betti
23
24
25
26
27
28